

EXHIBIT D

Declaration of Edward A. Broderick

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**VISHVA DESAI and PHILIP J. CHARVAT, on behalf
themselves and others similarly situated,**

Plaintiffs,

v.

Civil Action No. 11-cv-1925

ADT SECURITY SERVICES, INC.,

Defendant.

DECLARATION OF EDWARD A. BRODERICK

1. I, Edward A. Broderick, am an attorney duly admitted to practice in the Commonwealth of Massachusetts, I am over 18 years of age, am competent to testify and make this affidavit on personal knowledge. I have extensive experience in the prosecution of class actions on behalf of consumers. I have litigated TCPA class actions for over ten years.

2. I have extensive experience in the prosecution of class actions on behalf of consumers, particularly claims under the Telephone Consumer Protection Act, 47 U.S.C. §227.

3. I am a 1993 graduate of Harvard Law School. Following graduation from law school, I served as a law clerk to the Honorable Martin L.C. Feldman, United States District Judge in the Eastern District of Louisiana.

4. Following my clerkship, from 1994 to December 1996, I was an associate in the litigation department of Ropes & Gray in Boston, where I gained class action experience in the defense of a securities class action, Schaeffer v. Timberland, in the United States District Court in New Hampshire, and participated in many types of complex litigation.

5. From January 1997 to March 2000, I was an associate with Ellis & Rapacki, a three-lawyer Boston firm focused on the representation of consumers in class actions.

6. In March 2000, I co-founded the firm of Shlansky & Broderick, LLP, focusing my practice on complex litigation and the representation of consumers.

7. In 2003, I started my own law firm focusing exclusively on the litigation consumer class actions.

8. A sampling of other class actions in which I have represented classes of consumers follows:

- i. In re General Electric Capital Corp. Bankruptcy Debtor Reaffirmation Agreements Litigation (MDL Docket No. 1192) (N.D. Ill) (nationwide class action challenging reaffirmation practices of General Electric Capital Corporation, settlement worth estimated \$60,000,000.)
- ii. LaMontagne, et al. v. Hurley State Bank, et al., USDC, D. Mass., C.A. No. 97-30093-MAP (nationwide class action challenging reaffirmation practices of the credit services of Radio Shack and other entities);
- iii. Hurley v. Federated Department Stores, Inc., et al, USDC D. Mass. Civil Action No. 97-11479-NG (nationwide class action challenged bankruptcy reaffirmation practices of Federated Department Stores and others; \$8,000,000 recovery for class.)
- iv. Berry, et al. v. Stop & Shop Supermarket Company, Middlesex Superior Court, C.A. No. 97-4612 (successful statewide class action brought on behalf of consumers overcharged sales tax on their purchases—obtained full refund).
- v. Valerie Ciardi v. F. Hoffman LaRoche, et al, Middlesex Superior Court Civil Action No. 99-3244D, (class action pursuant to Massachusetts Consumer Protection Act,

M.G.L. c. 93A brought on behalf of Massachusetts consumers harmed by price-fixing conspiracy by manufactures of vitamins; settled for \$19,600,000.)

- vi. Shelah Feiss v. Mediaone Group, Inc., et al, USDC N. District Georgia, Civil Action No. 99-CV-1170, (multistate class action on behalf of consumers; estimated class recovery of \$15,000,000--\$20,000,000.)
- vii. Mey v. Herbalife International, Inc., USDC, D. W. Va., Civil Action No. 01-C-263M. Co-lead counsel with Attorney McCue and additional co-counsel, prosecuting consumer class action pursuant to TCPA on behalf of nationwide class of junk fax and prerecorded telephone solicitation recipients. \$7,000,000 class action settlement preliminarily approved on July 6, 2007 and granted final approval on February 5, 2008.
- viii. Mulhern v. MacLeod d/b/a ABC Mortgage Company, Norfolk Superior Court, 2005-01619 (Donovan, J.). Representing class of Massachusetts consumers who received unsolicited facsimile advertisements in violation of the TCPA and G.L. c. 93A. Case certified as a class action, and I was appointed co-lead counsel with Attorney Matthew McCue by the Court on February 17, 2006, settlement for \$475,000 granted final approval by the Court on July 25, 2007.
- ix. I served as co-counsel on a Massachusetts consumer telemarketing class action entitled Evan Fray-Witzer, v. Metropolitan Antiques, LLC, NO. 02-5827 Business Session, Judge Van Gestel. In this case, the defendant filed two Motions to Dismiss challenging the plaintiff's right to pursue a private right of action and challenging the statute at issue as violative of the telemarketer's First Amendment rights. Both Motions to Dismiss were denied. Class certification was then granted and I was

appointed co-lead class counsel. Companion to this litigation, my co-counsel and I successfully litigated the issue of whether commercial general liability insurance provided coverage for the alleged illegal telemarketing at issue. We ultimately appealed this issued to the Massachusetts Supreme Judicial Court which issued a decision reversing the contrary decision of the trial court and finding coverage. See Terra Nova Insurance v. Fray-Witzer et al., 449 Mass. 206 (2007). This case resolved for \$1.8 million.

- x. I served as co-class counsel in the action captioned Shonk Land Company, LLC v. SG Sales Company, Circuit Court of Kanswaha County, West Virginia, Civil Action No. 07-C-1800 (multi-state class action on behalf of recipients of faxes in violation of TCPA, settlement for \$2,450,000, final approval granted in September of 2009.
- xi. I served as co-class counsel in Mann & Company, P.C. v. C-Tech Industries, Inc., USDC, D. Mass., C.A. 1:08CV11312-RGS, class action on behalf of recipients of faxes in violation of TCPA, settlement for \$1,000,000, final approval granted in January of 2010.
- xii. I served as co-class counsel in Evan Fray Witzer v. Olde Stone Land Survey Company, Inc., Massachusetts Superior Court, Civil Action No. 08-04165 (February 3, 2011) (final approval granted for TCPA class settlement). This matter settled for \$1,300,000.
- xiii. I served as co-class counsel in Milford & Ford Associates, Inc. and D. Michael Collins vs. Cell-Tek, LLC, USDC, D. Mass. C. A. 1:09-cv-11261-DPW, class action on behalf of recipients of faxes in violation of TCPA, settlement for \$1,800,000, final approval granted August 17, 2011 (Woodlock, J.).

- xiv. I served as co-class counsel in Collins v. Locks & Keys of Woburn, Inc., Massachusetts Superior Court, Civil Action No. 07-4207-BLS2 (December 14, 2011) (final approval granted for TCPA class settlement). This matter settled for \$2,000,000.
- xv. I was appointed class counsel in Brey Corp t/a Hobby Works v. Life Time Pavers, Inc., Circuit Court for Montgomery County, Maryland, Civil Action No. 349410-V (final approval granted for TCPA class settlement for \$1,575,500).
- xvi. I was appointed class counsel in D. Michael Collins and Milford & Ford Associates, Inc. v. ACS, Inc. f/k/a American Consumer Shows, Inc. and American Consumer Shows, LLC, USDC D. Mass. C.A. 1:10-CV-11912-RGS (final approval granted for TCPA class settlement for \$1,875,000)

Executed under pains and penalties of perjury this 7th day of February 2013.

/s/ Edward A. Broderick
Edward A. Broderick